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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/785,095	02/16/2001	Paul H. Feinberg	SONY 3.0-030	6178
530	7590	10/11/2005	EXAMINER	
LERNER, DAVID, LITTENBERG, KRUMHOLZ & MENTLIK 600 SOUTH AVENUE WEST WESTFIELD, NJ 07090			ALVAREZ, RAQUEL	
			ART UNIT	PAPER NUMBER
			3622	

DATE MAILED: 10/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

*K*

## Office Action Summary

Application No.

09/785,095

Applicant(s)

FEINBERG, PAUL H.

Examiner

Raquel Alvarez

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 11 July 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-48 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-48 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### DETAILED ACTION

1. This office action is in response to communication filed on 7/11/2005.
2. Claims 1-48 are presented for examination.

### **Claim Rejections - 35 USC § 103**

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Skillen (WO 98/36366 hereinafter Skillen) in view of Hall (6,026,375 hereinafter Hall).

With respect to claims 1-4, 6, 9, 11, 12, 18, 20, 27, 32, 41-47 Skillen teaches a method of providing information to a device (Abstract). Receiving a request for information from said device (page 7, lines 13-15); receiving other information indicative of said device (page 8, lines 23-33); processing the requested information and other information with at least one processor as to select audio-visual content based on said request and regardless of said other information and to select information based on the other information (i.e. the requested information is processed regardless of the other information and the system displays both content to the user (page 10, lines 3-27); sending response information to said client device in response to said request, said

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response information comprising both said other-oriented information and said content (page 10, lines 23-27).

With respect to the newly added feature, Hall teaches the user receiving a first message about a local facility that can complete the order (col. 9, lines 19-32) and a subsequent message pertaining the current proximity of the local facility based on the updated time of arrival taking into account the user's current location in addition to the current user's speed and traveled routes (col. 10, lines 6-12). It would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to have included in the system of Skillen the teachings of Hall of a first message of a vendor and a subsequent message of the vendor indicating a change in proximity of the user because such a modification would allow the user to know exactly how far and how close the user is getting to the local facility.

Claims 5 and 48 further recite that the web page comprises an on-line magazine. Official notice is taken that on-line magazines are old and well known to provide periodical information. It would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to have included the information on an on-line magazine in order to obtain the above mentioned advantage.

With respect to claims 7-8, 19, Skillen further teaches that the other information relates to advertisements hyperlinked to another web page of a plurality of different entities (page 8, lines 4-22).

With respect to claim 13, with respect to customizing the information based on the time of day. Official notice is taken that it is old and well known in advertisements to provide incentives or discounts based on the date or time of the day. For example, advertising coats and sweaters during winter months. It would have been obvious for a person of ordinary skill in the art at the time of Applicant's invention to have included taking into account the time of day because such a modification would further focus the information received by the user.

With respect to claims 14-15, Skillen further teaches that the information selected is based on demographic information received before said request was received (profile database 48).

With respect to claim 16, Hall further teaches selecting geographically-oriented information for said second client that is different from the geographically-oriented information for said other processor (i.e. based on the location of another client the information will change)(col. 6, lines 22-43). It would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to have included selecting geographically-oriented information for said second client that is different from the

geographically-oriented information for said other processor because such a modification would better customize the output.

Claim 21 further recite storing the audio-visual content and the geographically-oriented information on different servers. It would have been obvious to a person of ordinary skill in the art in the computers related arts to store different types of information on two different servers because such a modification would allow for information to be retrieved from different sources.

Claims 22-24 the combination of Skillen and Hall further teach that the geographically-oriented information is associated with an entity, and further comprising the step of said entity being notified that said geographically-oriented information has been sent to said client (i.e. the seller is notified that the buyer has been sent to the seller's website, thereby exacting a toll for bringing buyer and seller together (page 11, lines 13-18).

With respect to claim 25, The combination of Skillen and Hall do not specifically teach the entity/seller sending a coupon. Official notice is taken that is old and well known in marketing/advertisements to send a coupon to a potential customer to motivate the customer to make a purchase. It would have been obvious ton a person of ordinary skill in the art at the time of Applicant's invention to have included the seller sending a coupon in order to obtain the above mentioned advantage.

With respect to claim 26, Hall further teaches that the information relates to the inventory of the entity or stock an hand (col. 8, lines 25-30). It would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to have included information relating to the inventory of an entity in order to allow the customer to know if he or she will be able to find the product desired before the making a trip to the store .

Claims 28-31 further recite well known location information such as zip code, cell base identifier, area code, identity of local radio station widely used to precisely determine a location of a device or a person. It would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to have included location information such as zip code, cell base identifier, area code, identity of local radio station in order to obtain the above mentioned advantage.

With respect to claims 10, 33-40, Hall further teaches wherein the system is a personal digital assistant agent (PDA); a wireless modem communicating with a cellular base station, display means, Internet-capable wireless phone, a GPS receiver (col. 5, lines 38 to col. 6, lines 1-43). It would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to have included a personal digital assistant (PDA); a wireless modem communicating with a cellular base station, display means,

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Internet-capable wireless phone because such a modification would allow the user the flexibility to use any of the known devices.

**Response to Arguments**

4. Applicant's arguments with respect to claims 1-48 have been considered but are moot in view of the new ground(s) of rejection.

5. The 112, 2<sup>nd</sup> rejection has been withdrawn

**Conclusion**

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

**Point of contact**

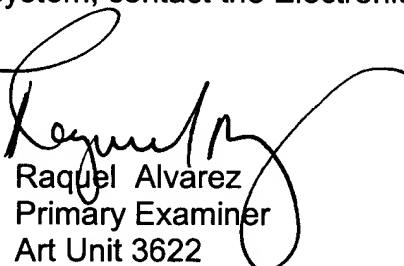


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7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Raquel Alvarez whose telephone number is (571)272-6715. The examiner can normally be reached on 9:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric w. Stamber can be reached on (571)272-6724. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Raquel Alvarez  
Primary Examiner  
Art Unit 3622

R.A.  
9/23/2005